

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4188 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHASHIKANT BHIMRAO MANE

Versus

COMMANDANT,

Appearance:

MR YN OZA for Petitioner
MR PREMAL JOSHI & MR SP HASURKAR for
Respondents No : 1 to 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 10/03/2000

ORAL JUDGEMENT

#. The petitioner seeks direction for quashing and
setting aside an imaginary order which is not made

against the petitioner suspecting that the concerned authority might suspend or remove him on the basis of the First Information Report being FIR No : 177/87 which was lodged against him. On the date of petition, no adverse order was made against the petitioner on the basis of the said FIR. The FIR was filed against the petitioner because according to the Department though his services were terminated in the past as he was found copying from chits in the departmental examination, he suppressed those material facts when he was recruited as a Constable in the S.R.P. Gr.II on 1st February 1984. As no order was passed against the petitioner, there was no question of challenging any order as prayed for in prayer Clause B of para 12 and the order which may be passed, cannot be challenged in this manner. The petition is therefore wholly misconceived and is rejected. If and when any adverse order may be passed against the petitioner, it would be open for the petitioner to challenge the same in accordance with law. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

Date : 10-3-2000 (R.K.Abichandani, J.)

#kailash#